



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

than decide whether, in the light of its judicial knowledge, the distinction drawn by the statute seems reasonable. No rational ground suggests itself for confining non-partisan elections to cities of any particular size, as such. *Wanser v. Hoos*, 60 N. J. L. 482, 38 Atl. 449. But cf. *State ex rel. Crow v. Fleming*, 147 Mo. 1, 44 S. W. 758; *Ladd v. Holmes*, 40 Ore. 167, 66 Pac. 714. But population furnishes a basis for differences in organization. Hence commission government may be confined to cities of a certain size. *State ex rel. Hunt v. Tausick*, 64 Wash. 69, 116 Pac. 651. Since commission government requires non-partisan officers more imperatively than does the bicameral system, it would seem that non-partisan elections in commission-governed cities may co-exist with partisan elections in cities differently organized consistently with the constitutional requirement of uniformity. If so, the present statute should be sustained.

CORPORATIONS — TORTS AND CRIMES — CRIMINAL LIABILITY OF CORPORATION — CRIMINAL ACT OF AGENT FORBIDDEN BUT WITHIN SCOPE OF AUTHORITY. — The defendant's agent aided in the sale of liquor, contrary to the U. S. PENAL CODE, § 239. This was within the scope of the agent's authority, but was forbidden by the defendant's regulations. The jury were charged that the defendants were criminally responsible for such acts. *Held*, that the instruction was wrong. *John Gunt Brewing Co. v. United States*, 204 Fed. 17.

There is a tendency at present to hold a corporation criminally liable even where *mens rea* is required. See 20 HARV. L. REV. 321; 22 HARV. L. REV. 537. While courts may have been loath to impose the stigma of criminality on an individual for the fault of his agent, no such considerations apply to corporations where a conviction can result only in a fine.

CRIMINAL LAW — PLEAS — WITHDRAWAL OF PLEA OF GUILTY. — The defendants in a criminal prosecution were induced to plead guilty, by the representation of the prosecuting attorney that the court would impose a light sentence. A heavy sentence, however, being imposed, the defendants moved for permission to withdraw the plea and plead not guilty. The trial court denied the motion. *Held*, that the sentence be vacated and the defendants permitted to withdraw the plea. *Griffin v. State*, 77 S. E. (Ga.) 1080.

The plea of guilty, being a confession in open court and a waiver of trial, has always been received with great caution. The court must see that the defendant thoroughly understands the situation and acts voluntarily before receiving it. *Gardner v. People*, 106 Ill. 76; *State v. Stephens*, 71 Mo. 535. Whenever the accused through ignorance, fraud, or intimidation has been induced to plead guilty he should be permitted to withdraw the plea. *Myers v. State*, 115 Ind. 554, 18 N. E. 42; *Swang v. State*, 2 Cold. (Tenn.) 212. This may be done at the discretion of the trial court before sentence. *Rex v. Plummer* [1902], 2 K. B. 339. In some jurisdictions this right is granted by statute. *State v. Kraft*, 10 Ia. 330; *People v. Richmond*, 57 Mich. 339, 24 N. W. 124. The same reasons would apply in favor of withdrawing a plea of guilty after sentence, and in America it is generally permitted. *City of Salina v. Cooper*, 45 Kan. 12, 25 Pac. 233; *Little v. Comm.* 142 Ky. 92, 133 S. W. 1149. *Contra, Regina v. Sell*, 9 Car. & P. 346. Whether this is so far within the court's discretion as not to be subject to review by an appellate court is a question of local practice. In some jurisdictions such rulings by the lower court are not open to review. *Comm. v. Tucker*, 189 Mass. 457, 76 N. E. 127. But judicial discretion is not usually regarded as an arbitrary power. *State v. McNally*, 55 Md. 559. Where the circumstances are such as to make the ruling of the lower court in denying the motion a clear abuse of its discretion, the ruling should be subject to review on appeal. *Deloach v. State*, 77 Miss. 691, 27 So. 618; *City of Salina v. Cooper, supra*. See 14 HARV. L. REV. 609.